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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Adv. Pro. No. 08-01789 (SCC)

Plaintiff-Applicant,

SIPA LIQUIDATION

v.

(Substantively Consolidated)

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

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In re:

BERNARD L. MADOFF,

Debtor.

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IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Adv. Pro. No. 10-04351 (SCC)

Plaintiff,

v.

MELVIN B. NESSEL 2006 TRUST U/A/D 3/14/06;  
MELVIN B. NESSEL REVOCABLE TRUST; PAUL  
RAMPELL, in his capacity as Former Trustee for the  
Melvin B. Nessel Revocable Trust and as former co-  
Trustee of the Melvin B. Nessel 2006 Trust u/a/d  
3/14/06; NORTHERN TRUST N.A., in its capacity as  
successor Trustee of the Melvin B. Nessel 2006 Trust  
u/a/d 3/14/06; GAIL NESSEL; JOHN NESSEL;  
GREGORY ANTONIAZZI; MICHAEL LIEB; and  
ROBERT LIEB,

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Defendants.

**JOINDER OF DEFENDANT GAIL NESSEL TO CO-  
DEFENDANTS' MOTION TO DISMISS THE COMPLAINT**

Defendant Gail Nessel, by and through her undersigned counsel, hereby joins in the motion of (i) Northern Trust N.A., as Trustee of the Nessel Residuary Trust, successor to the Melvin B. Nessel 2006 Trust, successor to and/or assignee of the Melvin B. Nessel 2003 Trust and the Melvin B. Nessel 1999 Trust; and (ii) the Nessel Residuary Trust, successor to the Melvin B. Nessel 2006 Trust, successor to and/or assignee of the Melvin B. Nessel 2003 Trust and the Melvin B. Nessel 1999 Trust (all collectively the “Nessel Trust Defendants”), for an order dismissing plaintiff’s complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, made applicable by Rule 7012 of the Federal Rules of Bankruptcy Procedure.

**BACKGROUND**

For a complete recitation of the facts relevant to this motion, Gail Nessel respectfully refers the Court to the Memorandum of Law in Support of Defendants’ Motion to Dismiss the Complaint filed by the Nessel Trust Defendants (Docket No. 54).

**ARGUMENT**

Gail Nessel joins in the Nessel Trust Defendants’ motion to dismiss in its entirety for all of the reasons set forth in such motion, and because all such reasons apply equally to her. Gail Nessel adopts and incorporates by reference as if fully set forth herein, the following: (a) Memorandum of Law in Support of Defendants’ Motion to Dismiss the Complaint filed by the Nessel Trust Defendants (Docket No. 54); (b) the Declaration of David A. Rosenzweig, Esq., in Support of Defendants’ Motion to Dismiss and the exhibits annexed thereto (Docket No.55); and (c) all pleadings and papers filed in these proceedings, and any other matters that may properly come before the Court in connection with the motion.

**CONCLUSION**

For all of the foregoing reasons, and the reasons set forth in the Nessel Trust Defendants' Motion, the Court should dismiss the Complaint as against defendant Gail Nessel.

Dated: New York, New York  
April 17, 2014

HALPERIN BATTAGLIA RAICHT, LLP  
*Counsel to Defendant Gail Nessel*

By: /s/ Neal Cohen  
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